

Community Scrutiny

25th June 2018

Draft Local Development Order – Llanelli Town Centre

Recommendations / key decisions required:

- To consider and note the representations received in respect of the Draft Local Development Order (LDO) for Llanelli Town Centre.
- To consider the recommendations of the report.
- To note the submission of the LDO (inclusive of the recommendations of this report, and evidence updates) to the Welsh Government for agreement.
- To note requirements to update the evidence base and make any consequential changes to the LDO, and to ensure any additional matters of legal compliance are also integrated.

Reasons:

- To reflect the corporate regeneration objectives within the Llanelli Town Centre.
- To ensure that the issues of ongoing vitality and viability within the Llanelli Town Centre are appropriately considered, and to utilise the provisions of national Planning Policy in this regard.

To be referred to the Executive Board / Council for decision: Yes

EXECUTIVE BOARD MEMBER PORTFOLIO HOLDER:- Cllr Mair Stephens

Directorate : Environment

Designations :

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Draft Local Development Order – Llanelli Town Centre

1. BRIEF SUMMARY OF PURPOSE OF REPORT.

This Report sets out progress and proposals in relation to the preparation of a Local Development Order (LDO) within Llanelli Town Centre, and seeks authorisation to proceed subject to supporting evidence, and Welsh Government approval to adopt.

The consultation period for the Draft LDO commenced on the 18th December 2017 and closed on the 9th February 2018. In total some 12 duly made representations were received from a range of organisations and interested parties - details of which, along with officer responses and recommendations are set out in the Appendices to this report.

2. Background

It should be noted that this report has been prepared in the context of the Carmarthenshire Local Development Plan (LDP), with the progress towards the adoption of a LDO for Llanelli Town centre emerging from the need to continually monitor and assess its successful implementation. In this respect, both of the published LDP Annual Monitoring Reports (AMR) include specific reference to consideration being given to identifying a LDO within Llanelli Town Centre (Notably Policy Targets 17 and 18).

The LDO will seek to consider and address issues of vacancy and activity on both ground and upper floors, and to examine the potential for alternative uses within a defined spatial area of Llanelli Town Centre. The LDO will, in conjunction with other regeneration initiatives seek to assist in enhancing the vitality and vibrancy of the town centre through developing a 'living centre'.

3. What is a LDO?

A LDO is made by Local Planning Authority (LPA) and grants planning permission for the type of development specified within the terms of the LDO, and within a defined spatial area. It offers a LPA the opportunity in particular circumstances, to streamline the planning process by removing the need for developers/applicants to make a planning application to the LPA. This can allow an LPA to act proactively in response to locally specific circumstances within their area. As stated above it should relate to a geographical area, and should reflect the focused purpose of the LDO and the nature of its intended outcomes. An LDO may also be permanent or time limited depending on their objective. A time limited LDO provides for increased flexibility in fast changing and developing areas which would allow for easy revision and updating, or to deliver a set objective over a fixed timescale.

Certain types of development as set out within the Town and Country Planning (General Permitted Development) Order 1995 (PDO) are already permitted without the need for planning permission. The GPDO grants a general permission for various types of relatively small scale and normally non contentious development without the need to make a planning application. LDOs can therefore be seen as an extension of permitted development, but decided upon locally in response to specific local circumstances.

For information a LPA can revoke a LDO at any time. Where it is proposed to modify a Local Development Order, re-consultation may be required.

The appended report provides further information in respect of the Legislative and Policy Framework and outlines some of the core considerations and limitations in respect of an LDO.

4. Developing a LDO - Llanelli Town Centre

Whilst the LDP sets a strong policy direction for retail within Carmarthenshire, the challenges facing Llanelli require specific consideration. Opportunities exist to co-ordinate with, and develop upon the successful grant award under the Vibrant and Viable Places initiative and the 'Opportunity Street' scheme for properties at the eastern end of Stepney Street. In addition, the establishment of a 'Task Force' to address matters surrounding the decline of the town centre and its environs, presents an opportune time evaluate options. There is potential to review and develop an effective strategy to promote uses to complement the town centre and out of town retail offer. In this respect it should not be predicated on an abandonment of the town centre's overall retail focus, but the consideration of a flexible approach to complement activities which support the centre's vitality and viability.

As part of its consideration and preparation of the LDO, the Llanelli Town Centre Task Force has received regular reports on progress and potential outcomes with spin off discussions held with Llanelli Town Council and Llanelli Rural Council. Further discussion have also be held with Natural Resources Wales, Dwr Cymru and representatives of the Business Improvement District. Further engagement has also been held with representative of pertinent internal service areas, including Public Health and Protection, Legal services in ensuring the effective development and operation of the LDO.

5. Spatial Extent of the LDO

The extent of the town centre to which the proposed LDO's provisions will relate is shown on the appended plan. Also appended is the extent of the C2 Flood Zone as defined through Technical Advice Note 15. The Draft LDO also includes further details in relation to the extent of the Llanelli Conservation Area and the location of Listed Buildings.

6. What will the LDO Permit

The table as set out below outlines the relevant use classes which will be permitted or otherwise through the LDO, and within its defined spatial area.

Use Class	WITHIN C2 ZONE		OUTSIDE C2 ZONE	
	Ground Floor (GF)	Other Floors (OF) (Excluding basements)	GF	OF (Excluding basements)
A1 Shops	Yes	Yes	Yes	Yes
A2 Financial and Professional Services	Yes	Yes	Yes	Yes
A3 Food and Drink <i>Restaurants and Cafes</i>	Yes	Yes	Yes	Yes
A3 Food and Drink <i>Drinking establishments (but not night clubs)</i>	Yes	Yes	Yes	Yes
A3 Food and Drink <i>Hot food takeaways</i>	Yes	No	Yes	No
B1 Business (offices other than those within A2)	No	Yes	No	Yes
C1 Hotels, boarding houses and guest houses	No	Yes	No	Yes
C3 Dwellings (residential incl. flats)	No	Yes	No	Yes
D1 Non-residential institutions (Note - LDO excludes Law Courts, Church Halls and Libraries)	No	Yes	Yes	Yes

D2 Assembly and leisure buildings (Note LDO only permits gymnasiums and area for indoor sports or recreations - except for motor sports, or where firearms are used)	No	Yes	Yes	Yes
Other (specified sui) Laundrettes and taxi businesses only	Yes	Yes	Yes	Yes

7. Lifetime of the LDO

It is proposed that the LDO operates for an initial period of three years from its adoption. This period will however be subject to ongoing review and may be extended or reduced in light of the success or failure of the LDO.

Development that commences while the LDO is in effect may be completed and/or continued after this three-year period (subject to the conditions of the LDO). Once the LDO has expired, however, no new changes of use will be allowed under its terms without conventional planning permission. Reference should be had to the content of Appendices in relation to the legislative framework in respect of revocation and revision and the potential for compensation should an LDO be withdrawn.

8. Operation of the LDO

The LDO is subject to a 2 stage process (Certificate of Conformity and Commencement Notice Approval).

Where a 'development' is proposed which is within the LDO area and conforms with the schedule of approved use classes (as referenced above), a Certificate of Conformity will be issued by the Council. Applicants will be required to submit their proposals and pay the nominal fee of £90 to the LPA.

A change of use cannot commence however until a Commencement Notice Approval is released by the LPA. In this respect an applicant will need to satisfy any requirements as set out in those regulatory regimes that are outside of the planning system e.g. building regulations and any required pre-conditions as set out within the LDO.

A Commencement Notice Approval will not be issued where the necessary information to support the proposal has not been provided and/or where the required pre-conditions have not been met.

The initial consultations undertaken to date have indicated a requirement to develop a notification system whereby key consultees (e.g. Town/Rural Councils, Dwr Cymru or Natural Resources Wales) are informed of LDO proposals. This reflects that such bodies would ordinarily be notified/consulted through the planning application process.

Further details on the operation of the LDO are set out within the document itself and the Statement of reasons. See the link below:

<http://www.carmarthenshire.gov.wales/home/council-services/planning/planning-policy/draft-local-development-order-llanelli-town-centre/#.Wt2jO-aoumQ>

9. Monitoring and Measuring Success

Throughout the three-year period the Council will assess the impact of the LDO and decide whether to (i) renew the LDO with no revisions, (ii) renew the LDO with new terms and conditions or (iii) revoke the LDO.

Further details of the monitoring process are set out within the LDO and its supporting documentation. See the link below:

<http://www.carmarthenshire.gov.wales/home/council-services/planning/planning-policy/draft-local-development-order-llanelli-town-centre/#.Wt2jO-aoumQ>

10. Evidential Requirements and Documents

As part of a co-ordinated strategic approach, evidence has been developed in relation to matters of Flood Risk (to satisfy the provisions of TAN 15) and Infrastructure, as part of the Llanelli Town Centre Masterplan being prepared through the Regeneration and Policy Division. This evidence is necessary to support the LDO's adoption and was published as part of the public consultation. It should be noted that further matters in relation to Flood Risk raised as part of the consultation is currently being considered concurrent with the reporting of the LDO. The adoption of the LDO is subject to the satisfactory resolution of these issues.

The consultants commissioned in respect of the Town Centre Masterplan also advised upon and inform any other required supporting documentation – including Environmental Impact Assessment and Habitats Regulations- Test of Likely Significant Effect (TLSE). These documents will be updated as necessary as part of the adoption of the LDO. An updated screening as part of the Equalities Impact Assessment process will form part of the supporting documentation.

Reference is also made to the Carmarthenshire Retail Study Update 2015 and the Carmarthenshire Town Centre Retail Audits.

11. Next Steps

Subject to Council's deliberations, approval will be sought from the Welsh Government in accordance with the established provisions to adopt the LDO.

Prior to adoption, the necessary amendments/additions in terms of the evidence presented within the Flood Risk Assessment will be undertaken in conjunction with discussions with Natural Resources Wales. It should also be noted that further feedback has been sought on aspects of wording in relation to the pre-conditions set out within the LDO from Legal services.

Prior to adoption, any further changes in relation to the wording of aspects of the LDO will be undertaken to ensure its accuracy and usability. In addition, the evidence base will be updated to reflect the changes emanating from this report.

DETAILED REPORT ATTACHED ?	YES
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IMPLICATIONS

I confirm that other than those implications which have been agreed with the appropriate Directors / Heads of Service and are referred to in detail below, there are no other implications associated with this report :

Signed: L Quelch

Head of Planning

Policy, Crime & Disorder and Equalities	Legal	Finance	ICT	Risk Management Issues	Staffing Implications	Physical Assets
YES	YES	YES	NONE	NONE	NONE	NONE

1. Policy, Crime & Disorder and Equalities

Reflects the provisions of National Planning Policy, and the evidential information set out within the report support, and where appropriate, will be utilised in the implementation of the LDO and will inform a review of the Local Development Plan. It also ensures alignment with the national Well-being Goals set out within the Well-being of Future Generations Act 2015.

National and local planning policies seek to promote the principles of sustainability and sustainable development by facilitating the creation of communities and local economies which are more sustainable.

The integration of sustainability and the evidential requirements in preparing the LDO ensures an iterative approach to policy making which ensures sustainability is at its heart and that it is reflective of the requirements emanating from the Wellbeing and Future Generations Act.

2. Legal

A Local Planning Authority may issue an LDO under section 61 (A, B, C and D) of the Town and Country Planning Act 1990, as inserted by section 40(1) of the Planning and Compulsory Purchase Act 2004 and amended by sections 188 and 238 and Schedule 13 of the Planning Act 2008. This power became effective in Wales on 30 April 2012. The Town and Country Planning (Development Management Procedure) (Wales) Order 2012 (DMPWO) sets out the procedural requirements for making LDOs, including preparation, notices, publicity, consultation, and adoption.

Guidance on the procedures relating to the use of LDOs is contained in Welsh Government Circular 003/2012: Guidance on using a Local Development Order

3. Finance

Financial costs (including preparation of the LDO) will be covered through the financial provisions in place - including reserves. Established policy provisions are in place in relation to the gathering and apportionment of financial contributions from developer contributions (incl. planning obligations). The impact of the LDO on the collection of such contributions is unknown and can only be established through the monitoring of the LDOs implementation.

The implication on planning fees through the removal of the need for planning permission is at this stage unknown. Whilst this is not expected to be significant it will be off-set by the economic and regeneration benefits accrued through the successful implementation of the LDO. Reference is made to the potential that Compensation may be payable should an LDO be subsequently withdrawn. The potential for this is subject to the provisions of statutory instruments.

CONSULTATIONS

I confirm that the appropriate consultations have taken in place and the outcomes are as detailed below

Signed: L Quelch

Head of Planning

(Please specify the outcomes of consultations undertaken where they arise against the following headings)

1. Scrutiny Committee

Scheduled 25th June 2018 – Community Scrutiny

2. Local Member(s)

Members were notified as part of the consultation process.

3. Community / Town Council

Llanelli Town Council and Llanelli Rural Council have been consulted as part of the preparatory process.

4. Relevant Partners

Identified partners including the membership of the Llanelli Task Force have been party to ongoing discussion and consultation, as have identified external technical consultees.

5. Staff Side Representatives and other Organisations

Contributions have been sought from relevant internal consultees.

Section 100D Local Government Act, 1972 – Access to Information

List of Background Papers used in the preparation of this report:

THESE ARE DETAILED BELOW

Title of Document	File Ref No.	Locations that the papers are available for public inspection
Adopted Carmarthenshire Local Development Plan		http://www.carmarthenshire.gov.wales/home/residents/planning/policies-development-plans/local-development-plan/
Annual Monitoring Report 2015/16		http://www.carmarthenshire.gov.wales/media/1643860/Annual-monitoring-report-201516-AMR-Document-for-web.pdf
Annual Monitoring Report 2016/17		http://www.carmarthenshire.gov.wales/media/2172900/amr-16-17-eng.pdf
LDP Review Report		http://www.carmarthenshire.gov.wales/media/1213042/ldp-review-report-english-version.pdf
Draft Local Development Order and Supporting Documents		http://www.carmarthenshire.gov.wales/home/council-services/planning/planning-policy/draft-local-development-order-llanelli-town-centre/#.Wt2jO-aoumQ